

South Dakota

Tribal ID Information



Presented by
SD Department of
Tribal Relations

DEPARTMENT MISSION

The Department of Tribal Relations exists to recognize the nine sovereign tribes who share our geographical borders as distinct political entities, to support their self-governance efforts, and to work with and consult their chosen leaders in a cooperative government to government relationship in order to improve the quality of life for all South Dakota citizens; to identify and aid in securing and coordinating federal, state, and local resources to help solve problems, increase partnerships between state and tribal agencies, and to serve as an advocate for Oceti Sakowin.

The goal of this document is to provide a broad overview of information about SD Tribal IDs. It is intended to serve as a guide to the public, not a comprehensive scholarly publication.



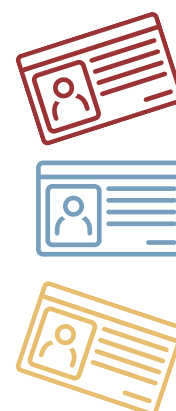
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SOUTH DAKOTA CODIFIED LAWS

New language as of 2020 is underlined for reference

1-54-7. Tribal identification cards.

A tribal identification card is a valid form of identification for all purposes relating to commerce, including for all purposes relating to banks or financial institutions for which a South Dakota nondriver identification card or a South Dakota driver license may be used. Furthermore, tribal identification cards shall be accepted as valid forms of identification for the purpose of cashing checks wherever checks may be cashed and for purposes where the age of the person needs to be verified. For purposes of this section and §§ [22-40-9](#), [22-40-18](#), and [34-46-1](#), the term, tribal identification card, means an unexpired identification card issued by a South Dakota tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the legal name, date of birth, signature, and picture of the enrolled tribal member. Reasonable reliance upon a tribal identification card as proof of age of the purchaser or the recipient of an age-restricted product is a complete defense to any action brought against a person for the sale or distribution of a product that is subject to state or federal age-related purchase and possession restrictions. This section does not modify any provision of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives regulations concerning permissible forms of identification for use in the purchase of firearms.

22-40-9. Identifying information defined.

For the purposes of §§ [22-40-8](#) to [22-40-10](#), inclusive, identifying information includes:

- (1) Birth certificate or passport information;
- (2) Driver's license numbers or tribal identification card information;
- (3) Social security or other taxpayer identification numbers;
- (4) Checking account numbers;
- (5) Savings account numbers;
- (6) Credit card numbers;
- (7) Debit card numbers;
- (8) Personal identification numbers, passwords, or challenge questions;
- (9) User names or identifications;
- (10) Biometric data; or
- (11) Any other numbers, documents, or information which can be used to access another person's financial resources.

Source: SL 2000, ch 107, § 2; SDCL § 22-30A-3.2; SL 2005, ch 120, §§ 81, 83; SL 2011, ch 13, § 3.

SOUTH DAKOTA CODIFIED LAWS (CON'T)

22-40-18. Misuse of tribal identification card.

No person may:

- (1) Possess any cancelled, fictitious, fraudulently altered, or fraudulently obtained tribal identification card;
- (2) Lend the person's tribal identification card to any other person or knowingly permit its use by another;
- (3) Display or represent a tribal identification card not issued to the person as being the person's card;
- (4) Photograph, duplicate, or in any way reproduce a tribal identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card;
- (5) Use a tribal identification card that was obtained by false swearing, fraud, or false statement of any kind or in any form.

A violation of this section is a Class 1 misdemeanor.

Source: SL 2011, ch 13, § 2.



SOUTH DAKOTA CODIFIED LAWS (CON'T)

34-46-1. Definition of terms.

Terms used in this chapter mean:

- (1) "Electronic smoking device," any e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen containing or delivering nicotine or any other substance intended for human consumption that may be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product;
- (2) "Proof of age," a driver's license, nondriver identification card, tribal identification card, or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;
- (3) "Sample," tobacco products distributed to members of the general public at no cost for purposes of promoting the product;
- (4) "Sampling," the distribution of samples to members of the general public in a public place;
- (5) "Self-service display," a display that contains cigarettes or smokeless tobacco, or both, and is located in an area openly accessible to the merchant's consumers, and from which such consumers can readily access cigarettes or smokeless tobacco, or both, without the assistance of the merchant or an employee or agent of the merchant. A display case that holds tobacco products behind locked doors does not constitute a self-service display;
- (6) "Smoke" or "Smoking," the act of inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form, including the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form;
- (7) "Tobacco product," any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20;
- (8) "Tobacco speciality store," a business that derives at least seventy-five percent of its revenue from the sale of tobacco products.

Source: SL 1994, ch 280, § 1; SL 2009, ch 170, § 1; SL 2011, ch 13, § 4; SL 2019, ch 155, § 1.

Q&A

As a retailer, am I REQUIRED to accept tribal identification for proof of age under South Dakota law?

There is no South Dakota law that requires retailers to accept any specific forms of ID for purposes of verifying age, including driver's licenses. The statute simply states that a tribal ID is "a valid form of identification for all purposes relating to banks or financial institutions for which a South Dakota nondriver identification card or a South Dakota driver's license may be used."

We encourage retailers to accept tribal ID for age verification.

Does the new law state that tribal identification is satisfactory for all instances?

If a South Dakota nondriver identification card or a South Dakota driver license is not sufficient for a specific purpose, neither is tribal identification.

If I am a retailer, am I liable for selling tobacco to someone who uses a fraudulent tribal ID?

If someone uses a tribal ID to purchase tobacco and the ID turns out to be fraudulent, a retailer is NOT liable. Under South Dakota Codified Law 34-46-5 "reasonable reliance upon proof of age of the purchaser or the recipient of a tobacco product is a complete defense to any action brought against a person for the sale or distribution of a tobacco product to a person under the age of eighteen."

What is a legal ID required to have?

A valid tribal ID is required to have a

- legal name,
- date of birth,
- signature,
- and picture of the card carrier.

If a tribal ID does not have all four of these elements, it is NOT valid identification under the new statute (see language on page 2).

Purposefully producing fraudulent IDs is a misdemeanor under State law.

Q&A (CON'T)

What do I do if a retailer refuses to accept my tribal ID for no other reason than it is issued by a tribe?

If you feel that your tribal ID was wrongly rejected by a retailer, please contact the SD Department of Tribal Relations to file a complaint.

How do I file a complaint?

If you feel that your identification card has been unfairly rejected, it is important that you report the incident. Unless it is reported, nothing can be done to ensure the Tribal ID law is being followed.

You can report an incident in three ways:

1) Report the incident in writing and send to:

SD Department of Tribal Relations
Attn: Tribal ID
711 E Wells Ave
Pierre, SD 57501

2) Report the incident by phone at:

605.773.5973

3) Report the incident to our website:

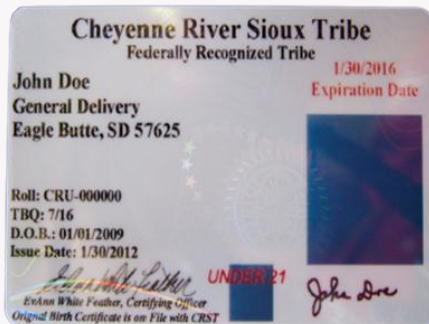
<http://www.sdtribalrelations.com/contact.aspx>

When reporting an incident,
please include the following information:

- Your name,
- Phone number and address where you can be reached,
- Location of the incident (business name and city),
- Name of the person who declined your ID (if known),
- Date of the incident, and
- The reason given for not accepting your ID.

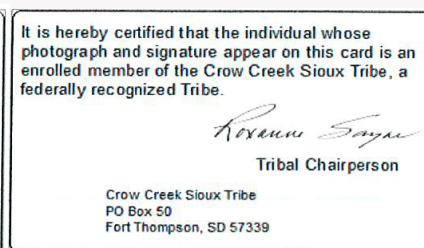
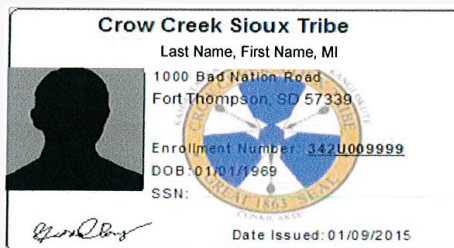
TRIBAL ID EXAMPLES

The following are examples of identification cards issued by the nine tribes that share South Dakota's borders and the contact information for the offices that issue the cards. If you have any questions about obtaining a card or enrollment status, please contact the pertinent tribal office. Contact information is listed beside each ID example.



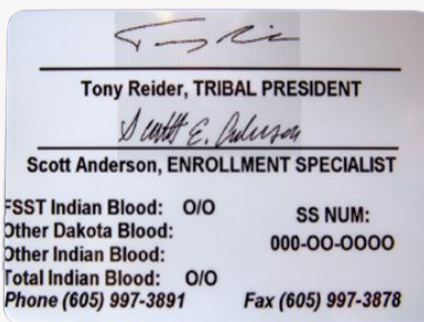
Cheyenne River Sioux Tribe Tribal Enrollment Office

PO Box 325
Eagle Butte, SD 57625
Phone: 605.964.6612/6613
Fax: 605.964.6614



Crow Creek Sioux Tribe Tribal Enrollment Office

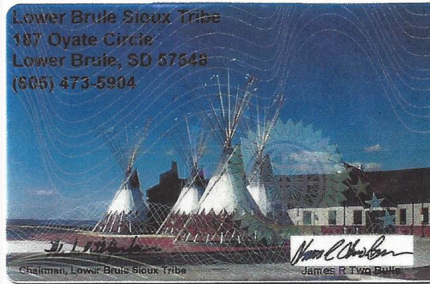
PO Box 139
Fort Thompson, SD 57339
Phone: 605.245.2315
Fax: 605.245.2343



Flandreau Santee Sioux Tribe Tribal Enrollment Office

PO Box 283
Flandreau, SD 57028
Phone: 605.997.5055
Fax: 605.997.3878

TRIBAL ID EXAMPLES (CON'T)



Lower Brule Sioux Tribe Tribal Enrollment Office

PO Box 187
Lower Brule, SD 57548
Phone: 605.473.5548
Fax: 605.473.5606



Oglala Sioux Tribe Tribal Enrollment Office

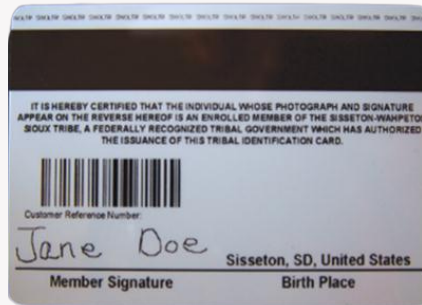
PO Box 325
Pine Ridge, SD 57770
Phone: 605.867.1321
Fax: 605.867.2901



Rosebud Sioux Tribe Tribal Enrollment Office

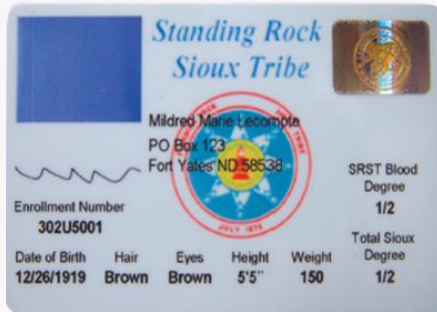
PO Box 335
Rosebud, SD 57570
Phone: 605.747.2381
Fax: 605.747.4020

TRIBAL ID EXAMPLES (CON'T)



Sisseton Wahpeton Oyate Tribal Enrollment Office

PO Box 509
Agency Village, SD 57562
Phone: 605.698.3911 EXT.29
Fax: 605.698.3708



Standing Rock Sioux Tribe Tribal Enrollment Office

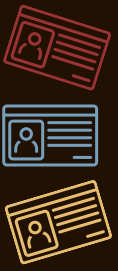
PO Box E
Fort Yates, ND 58538
Phone: 701.854.7522
Fax: 701.854.2082



Yankton Sioux Tribe Tribal Enrollment Office

P.O. Box 1153
Wagner, SD 57380
Phone: 605.384.3641 EXT 268
Fax: 605.384.3936

Please note that not all example tribal identification cards provided for this publication include a picture. A valid tribal ID is required to have a legal name, date of birth, signature, and picture of the card carrier. If a tribal ID does not have all four of these elements, it is NOT valid identification under statute.



South Dakota

Tribal IDs



**SD Department of
Tribal Relations**
711 E Wells Ave.
Pierre SD, 57501
Phone: 605.773.3415
Website: sdtribalrelations.sd.gov

As of **July 1, 2011**, South Dakota law requires that valid tribal IDs must be treated **EQUAL** to a South Dakota-issued state ID or Driver's License for identification purposes pertaining to banking, check cashing where checks may be cashed, and for age verification when purchasing tobacco products. However, tribal IDs are not required to be accepted as a valid form of identification for the purpose of writing checks, and businesses may still refuse to cash a check for other reasons (i.e. Check amount is too high).

For Full Text, please see: 1) HB 1242 (2011) 2) SDCL 1-54-7



To File a Complaint Regarding the Rejection of a Tribal ID

Call: 605.773.5973 or **Email:** tribalrelations@state.sd.us

Please Include:

- Your name, phone number, and tribal affiliation,
- The name, number, and address of business that rejected ID,
- The reason did the employee give for rejecting your ID, and
- Any other details about transaction.

Disclaimer: This poster is intended to assist the public and business owners in obtaining a basic understanding of the state law concerning tribal ID's. This does not constitute legal advice. If you have legal questions concerning the ID law, please consult an attorney.